

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

RIN 1018-AC79

**Migratory Bird Hunting; Proposed 1995–1996 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The U.S. Fish and Wildlife Service (hereinafter the Service) proposes to establish annual hunting regulations for certain migratory game birds. The Service also requests proposals from Indian tribes that wish to establish special migratory bird hunting regulations. These regulations will permit the taking of the designated species during the 1995–96 season. The Service annually prescribes outside limits (frameworks) within which States may select hunting seasons. The Service has also employed guidelines to establish special migratory bird hunting regulations on Federal Indian reservations and ceded lands. These seasons provide hunting opportunities for recreation and sustenance; aid Federal, State, and tribal governments in the management of migratory game birds; and are designed to permit harvests at levels compatible with migratory bird population and habitat conditions.

**DATES:** Tribal proposals and related comments should be submitted by June 2, 1995. The comment period for proposed early-season frameworks will end on July 21, 1995; and for proposed late-season frameworks on September 4, 1995. The public hearing for early-season frameworks will be held on June 22, 1995, at 9 a.m. The public hearing for late-season frameworks will be held on August 3, 1995, at 9 a.m.

**ADDRESSES:** Both public hearings will be held in the Auditorium, Department of the Interior Building, 1849 C Street NW., Washington, DC. Written comments on the proposals and notice of intention to testify at either hearing may be mailed to the Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** For further information on tribal proposals contact Keith A. Morehouse, and for all other issues regarding annual migratory bird hunting regulations contact Ron W. Kokel. Both Dr. Morehouse and Mr. Kokel may be contacted at: Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240 (703) 358–1714.

**SUPPLEMENTARY INFORMATION:** For administrative purposes, this document consolidates the notice of intent and request for tribal proposals with the preliminary proposals for the annual regulations-development process. The remaining proposed and final rulemaking documents will be published separately. For inquiries on tribal guidelines and proposals, please contact the following personnel.

- Region 1 - Brad Bortner, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181; (503) 231-6164.
- Region 2 - Jeff Haskins, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103; (505) 766-8048.
- Region 3 - Steve Wilds, U.S. Fish and Wildlife Service, Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111-4056; (612) 725-3313.
- Region 4 - Frank Bowers, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; (404) 679-4000.
- Region 5 - George Haas, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589; (413) 253-8576.
- Region 6 - John Cornely, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225; (303) 236-8676.
- Region 7 - Robin West, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503; (907) 786-3423.

**Notice of Intent To Establish Open Seasons**

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons and daily bag and possession limits for certain designated groups or species of migratory game birds for 1995–1996 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands, under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K of 50 CFR part 20.

“Migratory game birds” are those bird species so designated in conventions

between the United States and several foreign nations for the protection and management of these birds. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR Part 10) in the aforementioned conventions may not be hunted. For the 1995–96 hunting season, regulations will be proposed for certain designated members of the avian families Anatidae (ducks, geese, and swans); Columbidae (doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, moorhens, and gallinules); and Scolopacidae (woodcock and snipe). These proposals are described under Proposed 1995–96 Migratory Game Bird Hunting Regulations (Preliminary) in this document. Definitions of waterfowl flyways and mourning dove management units, as well as a description of the data used in and the factors affecting the regulatory process, were published in the March 14, 1990, **Federal Register** (55 FR 9618).

**Regulatory Schedule for 1995–1996**

This is the first in a series of proposed and final rulemaking documents for migratory game bird hunting regulations. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the **Federal Register**. Also, additional supplemental proposals will be published for public comment in the **Federal Register** as population, habitat, harvest, and other information become available.

Because of the late dates when certain portions of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow resource agencies to select and publish season dates and bag limits prior to the hunting seasons and, on the other hand, the lack of current data on the status of most migratory game birds until later in the summer.

Because the process is strongly influenced by the times when information is available for consideration, the overall regulations process is divided into two segments. Early seasons are those seasons that generally open prior to October 1, and

include seasons in Alaska, Hawaii, Puerto Rico, and the Virgin Islands. Late seasons are those seasons opening in the remainder of the United States about October 1 and later, and include most of the waterfowl seasons.

Major steps in the 1995–1996 regulatory cycle relating to public hearings and **Federal Register** notifications are illustrated in the accompanying diagram. Dates shown relative to publication of **Federal Register** documents are target dates.

Sections of this and subsequent documents which outline hunting frameworks and guidelines are organized under numbered headings. These headings are:

1. Ducks
2. Sea Ducks
3. Mergansers
4. Canada Geese
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Tundra Swans
9. Sandhill Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-tailed Pigeons
16. Mourning Doves
17. White-winged and White-tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Later sections of this and subsequent documents will refer only to numbered items requiring attention. Therefore, items requiring no attention will be omitted and the remaining numbered items will be discontinuous and appear incomplete.

### Public Hearings

Two public hearings pertaining to 1995–1996 migratory game bird hunting regulations are scheduled. Both hearings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 22, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, 1849 C Street NW., Washington, DC. This hearing is for the purpose of reviewing the status of migratory shore and upland game birds. Proposed hunting regulations will be discussed for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck

seasons in the Atlantic Flyway, and extended falconry seasons. On August 3, a public hearing will be held at 9 a.m. in the Auditorium of the Department of the Interior Building, address above. This hearing is for the purpose of reviewing the status and proposed regulations for waterfowl not previously discussed at the June 22 public hearing. The public is invited to participate in both hearings. Persons wishing to make a statement at these hearings should write to the address indicated under the caption **ADDRESSES**.

### Requests for Tribal Proposals

#### Background

Beginning with the 1985–86 hunting season, the Service has employed guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467) to establish special migratory bird hunting regulations on Federal Indian reservations (including off-reservation trust lands) and ceded lands. The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and nontribal members throughout their reservations. The guidelines include possibilities for: (1) on-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks, but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the annual March 10 to September 1 closed season mandated by the 1916 Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (Convention). The guidelines are capable of application to those tribes that have reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and ceded lands. They also apply to the establishment of migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting, or where the tribes and affected States otherwise have reached

agreement over hunting by nontribal members on non-Indian lands.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. The Service also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands. As explained in previous rulemaking documents, it is incumbent upon the tribe and/or the State to put forward a request for consultation as a result of the proposal being published in the **Federal Register**. The Service will not presume to make a determination, without being advised by a tribe or a State, that any issue is/is not worthy of formal consultation.

One of the guidelines provides for the continuation of harvest of migratory game birds by tribal members on reservations where it is a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season required by the Convention, and it is not so large as to adversely affect the status of the migratory bird resource. For several years, the Service has reached annual agreement with tribes (for example, in Minnesota, the Mille Lacs Band of Chippewa Indians) for hunting by tribal members on their lands or on lands where they have reserved hunting rights. The Service will continue to consult with tribes that wish to reach a mutual agreement on hunting regulations for on-reservation hunting by tribal members.

The guidelines should not be viewed as inflexible. Nevertheless, the Service believes that they provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. Use of the guidelines is not required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

### *Details Needed in Tribal Proposals*

Tribes that wish to use the guidelines to establish special hunting regulations for the 1995-96 hunting season must submit a proposal that includes: (1) the requested hunting season dates and other details regarding regulations to be observed; (2) harvest anticipated under the requested regulations; (3) methods that will be employed to measure or monitor harvest (mail-questionnaire survey, bag checks, etc.); (4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would seriously impact the migratory bird resource; and (5) tribal capabilities to establish and enforce migratory bird hunting regulations.

A tribe that desires the earliest possible opening of the waterfowl season should specify this in the proposal, rather than request a date that might not be within the final Federal frameworks. Similarly, unless a tribe wishes to set more restrictive regulations than Federal regulations will permit, the proposal should request the same daily bag and possession limits and season length for ducks and geese that Federal regulations are likely to permit the States in the Flyway in which the reservation is located.

### *Tribal Proposal Procedures*

Pertinent details in proposals received from tribes will be published for public review in later **Federal Register** documents. Because of the time required for Service and public review, Indian tribes that desire special migratory bird hunting regulations for the 1995-96 hunting season should submit their proposals as soon as possible, but no later than June 2, 1995. Tribal inquiries regarding the guidelines and proposals should be directed to the appropriate Service Regional Office listed under the caption **SUPPLEMENTARY INFORMATION**. Tribes that request special hunting regulations for tribal members on ceded lands should send a courtesy copy of the proposal to officials in the affected State(s).

### **Public Comments Solicited**

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed regulations. Promulgation of final migratory game bird hunting regulations will take into consideration all comments received by the Service. Such comments, and any

additional information received, may lead to final regulations that differ from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. Specific comment periods will be established for each series of proposed rulemakings. All relevant comments will be accepted through the closing date of the comment period on the particular proposal under consideration. The Service will consider, but possibly may not respond in detail to, each comment. As in the past, the Service will summarize all comments received during the comment period and respond to them after the closing date.

### **Flyway Council Meetings**

Departmental representatives will be present at the following winter meetings of the various Flyway Councils:

- DATE: March 25, 1995  
—National Waterfowl Council, 3:30 p.m.
- DATE: March 26, 1995  
—Atlantic Flyway Council, 9:00 a.m.  
—Mississippi Flyway Council, 8:00 a.m.  
—Central Flyway Council, 8:00 a.m.  
—Pacific Flyway Council, 10:00 a.m.

The Council meetings will be held at the Minneapolis Hilton and Towers, Minneapolis, Minnesota.

### **NEPA Consideration**

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)", filed with the Environmental Protection Agency on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled "Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands" is available from the Service at the address indicated under the caption **ADDRESSES**.

### **Endangered Species Act Consideration**

Prior to issuance of the 1995-96 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species

Act of 1973, as amended, (16 U.S.C. 1531-1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

### **Regulatory Flexibility Act and the Paperwork Reduction Act**

This document was reviewed under Executive Order 12866.

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, in accordance with Office of Management and Budget instructions, a Final Regulatory Impact Analysis (FRIA) was prepared in 1981 and revised in 1990. Although a FRIA is no longer required, the economic analysis contained in the FRIA has been reviewed and the Service has determined that it meets the requirements of Executive Order 12866. This analysis was updated for 1995. The FRIA update included waterfowl hunter and harvest information from the 1993-94 season. The summary of the 1995 update follows:

"New information which can be compared to that appearing in the 1990 Final Regulatory Impact Analysis (FRIA) includes estimates of the 1993 fall flight of ducks from surveyed areas, and hunter activity and harvest information from the 1993-94 hunting season. Decreased production in prairie Canada and increased production from the northcentral U.S. resulted in a total 1993 fall flight of ducks similar (-5 percent) to that predicted in 1992. Because the status of ducks has not yet fully recovered from the drought of the 1980's, hunting regulations were developed that maintained the reduced hunting opportunity established in the 1988-89 season. There were no significant changes in hunter activity between the 1992-93 and the 1993-94 seasons. Hunter numbers decreased by 1 percent and waterfowl hunters spent an average of 3 percent more days hunting, resulting in a 2 percent increase in the total number of hunting days. Many nonregulatory factors, however, influence hunter participation. There was essentially no change in the total duck harvest between the 1992-93 and the 1993-94 seasons."

Copies of the updated analysis are available upon request from the Office

of Migratory Bird Management. The address is indicated under the caption ADDRESSES.

These regulations contain no information collections subject to Office of Management and Budget (OMB) review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). However, the Service does utilize information acquired through other various information collections in the formulation of these regulations. These information collection requirements have been approved by OMB and assigned clearance numbers 1018-0005, 1018-0006, 1018-0008, 1018-0009, 1018-0010, 1018-0015, 1018-0019, and 1018-0023.

#### Authorship

The primary authors of this proposed rule are Keith A. Morehouse and Ron W. Kokel, Office of Migratory Bird Management, (703) 358-1714.

#### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1995-96 hunting season are authorized under the Migratory Bird Treaty Act (July 3, 1918), as amended, (16 U.S.C. 703-711); the Fish and Wildlife Improvement Act of 1978 (November 8, 1978), as amended, (16 U.S.C. 712); and the Fish and Wildlife Act of 1956 (August 8, 1956), as amended, (16 U.S.C. 742 a-d and e-j).

Dated: March 10, 1995.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish and Wildlife and Parks.*

#### Proposed 1995-1996 Migratory Game Bird Hunting Regulations (Preliminary)

Pending current information on populations, harvest, and habitat conditions, and receipt of recommendations from the four Flyway Councils; specific framework proposals (including opening and closing dates, seasons lengths, and bag limits) may be deferred. Unless otherwise specified, no change from the final 1994-95 frameworks of August 17 and September 27, 1994, (59 FR 42474 and 49304) is proposed. Specific preliminary proposals that vary from the 1994-95 frameworks and issues requiring early discussion, action, or the attention of the States or tribes are contained below:

#### 1. Ducks

##### A. General Harvest Strategy

Despite the large volume of information available on hunter activity, duck harvest levels, and population status, the annual process of setting duck hunting regulations has often been characterized by a lack of consensus among managers on an appropriate harvest strategy. The Service believes there are three fundamental reasons for the annual debate over setting duck hunting regulations: (1) harvest-management objectives have not always been clearly stated or agreed upon, (2) a large number of regulatory options has hindered our assessment of their effects; and (3) management of an international, migratory resource is difficult and the complex relationship between harvest and population status could be more fully understood. To address these difficulties, the Service is developing a more formal and objective decision-making process. This process requires clear identification of harvest-management objectives, a limited number of regulatory options, and alternative, yet credible, hypotheses regarding the influence of harvest on duck populations. Using these elements, a harvest strategy can be developed to help managers better understand the effects of hunting, while also providing maximum harvest opportunities consistent with long-term resource conservation goals. The Service proposes to implement some aspects of this process for the 1995-96 hunting season, with broader implementation to occur over the next few years.

This year, as part of the implementation process, the Service proposes a duck harvest-management objective that balances hunting opportunities with the desire to achieve waterfowl population goals identified in the North American Waterfowl Management Plan (hereinafter the Plan). Under this harvest-management objective, the relative importance of hunting opportunity increases as populations approach the goals in the Plan (e.g. 8.1 million mallards). Thus, hunting opportunity would be maximized when the population is at or above goals. Additionally, while the Service believes that the Plan's population goals would tend to exert a conservative influence on overall duck harvest management, other factors, such as habitat, also need to be considered.

For the 1995-96 season, the Service proposes that three regulatory options be considered: restrictive, moderate, or liberal seasons. Each regulatory option or "package" would contain Flyway-

specific season lengths, bag limits, and framework opening and closing dates, mutually agreed upon by the Service and Flyway Councils. Public comment would also be solicited. Several reasons exist for considering discrete regulatory "packages." First, the Service believes that regulatory changes should be of sufficient magnitude to cause measurable changes in duck harvest rates. Minor changes (i.e., "tinkering") in regulations that have little or no consequential overall impact on waterfowl resources and harvest can confuse both hunters and the public. Second, waterfowl managers must have adequate time to evaluate proposed regulatory options. This evaluation involves a determination of expected duck harvest rates and resource impacts. Frequently, adequate time for a thorough evaluation is not available when new regulatory options are introduced late in the regulations-setting process. Introducing prescriptive regulatory options or packages early in the regulations-setting process allows managers to carefully and thoroughly evaluate the expected resource impacts.

An equally important component of the regulatory packages is guidelines for their use. Flyway Councils and waterfowl managers must know when, and under what conditions, to use each regulatory package. These guidelines are currently being developed and will be proposed by the Service and made available for public comment. The guidelines will specify the particular regulatory package appropriate for various combinations of duck population size and wetland conditions on the breeding grounds. For example, liberal hunting regulations would be proposed when population levels were high (relative to Plan goals), breeding-habitat conditions were exceptionally good, or both. The Service believes it is important that these guidelines be consistent with the goal of maximum sustainable hunting opportunities and the desire to achieve population levels specified in the Plan.

In setting annual hunting regulations for ducks, the Service considers not only biological, but sociological, recreational, and economic impacts. The proposed process described above is intended to improve our understanding of the biological impacts of hunting by making more efficient use of harvest and population data from current waterfowl monitoring programs, while simultaneously pursuing traditional harvest and population objectives. The Service will continue to rely on the established process of public input for considering non-biological impacts.

Specific details of this year's proposed regulatory "packages" for each Flyway, guidelines for the use of these regulatory packages, and a general description of the harvest management objective and the alternative hypotheses of duck population dynamics that were considered in this proposed process will be available for public comment on March 24, 1995, by writing to the address under the caption **ADDRESSES**. Additional information regarding specific population goals identified in the North American Waterfowl Management Plan will be available as well at the address provided above.

#### *F. Zones and Splits*

In 1990, the Service determined that the use of zones and split seasons was an acceptable means by which States could redistribute harvest opportunities and established a long-term strategy for the use of zones and split-season options for duck seasons (55 FR 38901–38902). This long-term strategy contained guidelines that limited selection of zone/split options available to States to 5-year intervals. The 1995–96 season will be the final year of the 5-year assessment period and the Service reminds those States that made changes during the last open season in 1990 that a review of pertinent data (e.g. estimates of harvest, hunter numbers and success) will be required at the end of this year's hunting season. This review does not have to be the result of a rigorous experimental design, but nonetheless should assist the Service in ascertaining whether major changes occurred as a result of zone/split regulations. As a matter of information for preparation of proposals for 1996–97, the Service does not anticipate any changes in the existing guidelines governing zone and split options for the upcoming open season.

*Temporary Zone in the Southern San Joaquin Valley of California.* In 1994, the Service allowed the State of California to continue this zone on a temporary basis. The Service acknowledges that the Southern San Joaquin Valley Zone appears to provide economic incentives for maintaining privately-managed wetlands, especially during recent years when season lengths have been relatively short. Accordingly, the Service will consider allowing this zone to continue on a temporary basis during the final year of the 5-year moratorium on zone changes pending review of harvest and hunter participation information.

#### *G. Special Seasons/Species Management*

##### *i. Canvasback Management*

In 1994, the Service re-opened the hunting season on canvasbacks. Based on population levels, expected production, and projected harvest estimates, the Service believed that a season in all Flyways with a 1-bird daily bag limit was warranted. The Service is aware of the high harvest potential for this species and will evaluate last season's canvasback harvest. For this year, the Service will defer a decision on canvasback hunting until the 1994–95 harvest and 1995 spring population status information are available. The Service proposes no change in the process employed for deciding on regulations governing the harvest of canvasbacks.

##### *ii. September Teal Seasons*

In 1990, the Service established a strategy for the use of shooting hours which stated that shooting hours would begin at sunrise unless States could demonstrate that the impact of presunrise shooting hours on nontarget duck species was negligible. During the 1993–94 teal seasons, several Mississippi and Central Flyway States conducted evaluations of shooting hours for teal seasons. In 1994, the Service allowed those States in the Mississippi and Central Flyways that had conducted evaluations of presunrise shooting hours for teal to begin shooting hours at one-half hour before sunrise, since the evaluations demonstrated that the attempted harvest of non-target species was no different between pre- and post-sunrise periods in those States. The Service notes, however, that final reports of the evaluations are still needed from the Mississippi and Central Flyway States and believes that comprehensive final reports are necessary for completion of the evaluations. The Service has not yet received these reports and requests that they be submitted prior to the June regulations meetings.

##### *iii. September Teal/Wood Duck Seasons*

Since these seasons were last reviewed in the early 1980s, the Service requests that Florida, Kentucky, and Tennessee provide an update of recovery and survival rates, harvest estimates, and derivations of banded birds harvested during these seasons. Preferably, these reports should be submitted prior to this summer's Flyway meetings. The Service will make a full assessment of these seasons pending the completion of the

cooperative Wood Duck Initiative final report due in 1996.

#### **4. Canada Geese**

##### *A. Special Seasons*

The Service is currently reviewing the existing procedures for establishing and evaluating special Canada goose seasons in the Atlantic and Mississippi Flyways with the intent of streamlining and simplifying the process. Possible changes the Service is considering include the elimination of the experimental-status requirement for special seasons conducted between the 1st and 15th of September. However, States not participating in the Migratory Bird Harvest Information Program would continue to be responsible for monitoring hunter activity and harvest during these special seasons. For seasons held after September 15, the Service anticipates that current requirements for special Canada goose seasons will continue.

##### *B. Regular Seasons*

In the Atlantic Flyway, the Service and the Flyway Council will cooperatively conduct an assessment of the just concluded 3-year harvest-reduction program. It is likely that further adjustments to regular season harvest regulations will be proposed.

The Service also remains concerned about the status of the Southern James Bay and Dusky Canada goose populations. The Service will carefully review and consider all harvest regulations to ensure that these populations are not impacted.

#### **5. White-fronted Geese**

In 1994, the Service denied the Pacific Flyway Council's request for liberalization of seasons and limits on white-fronted geese in Washington, Oregon, and California because the population objective had not been attained and because a Flyway harvest strategy had not been completed. Given that the most recent 3-year average index of Pacific Flyway white-fronted geese is 283,600, with the 1994 fall count being 324,800, the Service now believes some liberalization is warranted, provided a suitable harvest strategy is developed beforehand.

#### **8. Tundra Swans**

In 1990 and 1991, the Service agreed to experimentally increase the number of permits available to North and South Dakota (1,000 each) for tundra swan hunting. The additional permits were also experimentally allocated for the 1992–94 hunting seasons. An assessment of these experimental

seasons in the form of a final report should be submitted to the Service by these States by June 1, 1995. The final report should contain biological information collected during these experimental seasons that would address the objectives identified in the Memorandum of Understanding between the Service and each State. These objectives include: (1) to determine the fall distribution, chronology of migration, and identification of major concentration areas of tundra swans in each State; (2) to determine the number of tundra swans harvested by permittees in each State; and (3) to evaluate hunter activity and success, hunting methods and harvest locations and estimate crippling losses associated with the hunting of tundra swans. To properly address these objectives the Service encourages these States to follow the evaluation guidelines in the "Eastern Population Tundra Swan Sport Hunting Plan" that was completed in 1988, which specifies that evaluation procedures should include an annual harvest survey and a minimum of 2 years of population survey information.

In 1994, the Service restricted seasons and hunt areas in Utah and required that Montana, Utah, and Nevada measure the accidental take, if any, of trumpeter swans by tundra swan hunters. Pending reports on the occurrence and take of trumpeter swans in the hunt areas, possible additional changes may be warranted. The Service believes tundra swan hunting in these three States is warranted but seasons may be further modified to minimize, but not preclude, the accidental take of trumpeter swans.

#### **14. Woodcock**

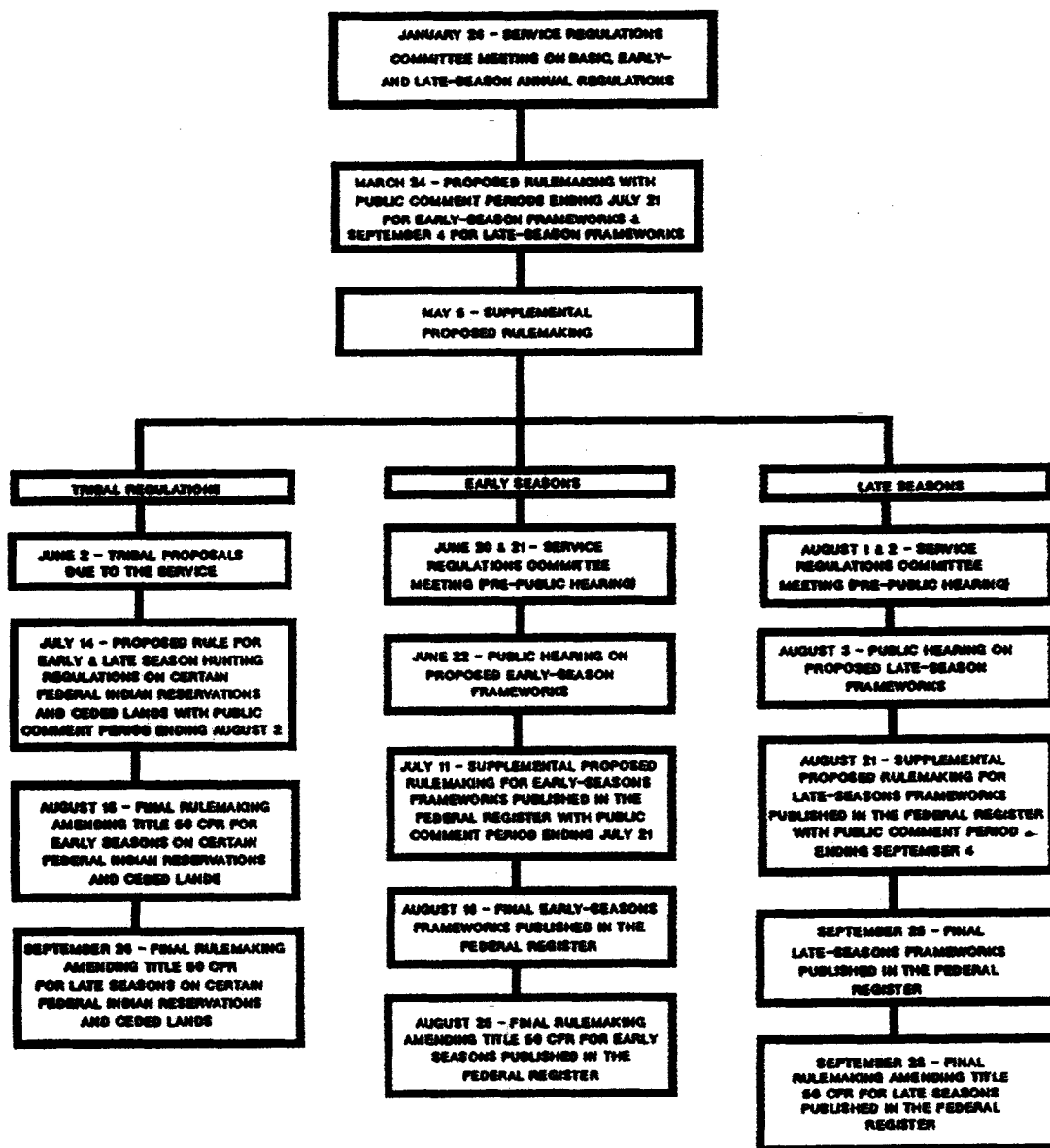
The Service is concerned with the gradual long-term declines in woodcock populations in both the Eastern and Central Management Regions. Although habitat changes appear to be the primary factor in the declines, adjustment of harvest opportunities may be appropriate in light of current population trends. The Service and the Flyway Councils should continue their ongoing review of the status of woodcock and cooperatively develop a harvest-management strategy.

#### **15. Band-tailed Pigeons**

The Service supports the continuation of seasons on both the Coastal and Interior populations. However, the Service remains concerned about the long-term decline in the Coastal population and continues to support restrictive harvest regulations. As in 1993 and 1994, all States having band-tailed pigeon hunting seasons must again require either participation in the nationwide Migratory Bird Harvest Information Program or require band-tailed pigeon hunters to obtain mandatory State permits to provide sampling frames for obtaining more precise estimates of band-tailed pigeon harvest. Those States not participating in the Harvest Information Program will be required to conduct a harvest survey and provide the results to the Service by June 1 of each year. The Service will continue to closely monitor population and harvest information from both populations and will evaluate this information in June prior to making any decisions regarding the 1995-96 seasons. Indian tribes also should consider this situation when proposing harvest regulations for this species.

BILLING CODE 4310-55-F

# 1995 SCHEDULE OF REGULATIONS MEETINGS AND FEDERAL REGISTER PUBLICATIONS



DATES SHOWN RELATIVE TO PUBLICATION  
OF FEDERAL REGISTER DOCUMENTS  
ARE TARGET DATES